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July 14, 2023

**Via ECF**

Honorable Vincent F. Papalia  
United States Bankruptcy Court  
Martin Luther King, Jr. Federal Building  
50 Walnut Street  
Newark, NJ 07102

**Re: Bed Bath & Beyond Inc., et al.  
Case No. 23-13359-VFP**

**Debtors' Request for Assumption and Assignment of Certain  
Unexpired Leases**

**Hearing Date: July 18, 2023 at 2:30 p.m.**

**Debtors' Notice of Extension of Deadline to File Reply**

Dear Judge Papalia:

As previously filed pleadings in the above referenced matter will confirm, our office represents Mad River Development LLC, a landlord to Debtor Bed Bath & Beyond Inc. respecting the premises in a shopping center located at 404 Route 3 West, Clifton, New Jersey.

The Debtor's lease with Mad River Development is one of the leases which is the subject of the bulk bid made by "Burlington" at the lease auction conducted on June 26, 2023. Mad River Development has filed an objection to the assumption and assignment of its lease arguing among other matters, that no financial information whatsoever has been presented respecting the financial affairs of Burlington Coat Factory Warehouse Corporation, the proposed assignee, despite the representation in the Notice of Successful and Backup Bidders that financial information addressing adequate assurance of future performance would be provided within three (3) days, namely, by June 30, 2023.

By the Notice of Extension docketed after midnight last night, the Debtors now advise that they shall have until July 17, 2023 at 4:00 p.m., the end of the day immediately prior to the day of the hearing on the Debtors' request for assumption and assignment, to reply to objections.

As the Court is well aware, the Local Rules require a reply to be filed four (4) days before the hearing.

While it is currently unknown what the substance of any reply filed by the Debtors to Mad River Development's objection will contain, it is conceivable that the information therein will require reasonable consideration by Mad River Development for a period of time greater than the approximately six (6) business hours which exist between the deadline for the filing of a reply and the conduct of the hearing.

As a result, Mad River Development files this Objection to the extension of the Debtors' reply deadline to preserve all of its rights and remedies, including, without limitation, to its ability request an adjournment on the hearing on the assumption and assignment of the Mad River Development lease for a period of time to enable Mad River Development to reasonably consider the substance of any reply.

Respectfully yours,

RABINOWITZ, LUBETKIN & TULLY, L.L.C.

*/s/ Jay L. Lubetkin*

Jay L. Lubetkin

JLL:rg

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